

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CASE NO. 1:CR-94-145-01
	:	
	:	
v.	:	
	:	
	:	
PAUL JOHNSON	:	

M E M O R A N D U M

Before the court is Defendant's motion for relief from judgment filed pursuant to Federal Rule of Civil Procedure 60(b)(6) (doc. 325). In an unpublished opinion attached hereto, *Robinson v. Snieszek*, No. 10-3015 (Third Circuit, Nov. 12, 2010), the appellate court held that "Rule 60(b) cannot be used as an independent means to relieve a defendant of a judgment in a criminal case." *Id.* at n.2. If petitioner believes he has cause for relief because of intervening law on an issue previously raised but relief was denied, he should seek permission from the court of appeals to file a second or successive petition under 28 U.S.C. § 2255. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: May 26, 2011.

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O R D E R

In accordance with the accompanying memorandum, **IT IS**
HEREBY ORDERED THAT the motion for relief from judgment (doc. 325) is
DENIED.

s/Sylvia H. Rambo
United States District Judge

Dated: May 26, 2011.